IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

Crl.Rev.Pet.No. 2230 of 2007()

CRA.322/2006 of ADDL. SESSIONS COURT (ADHOC-1), THODUPUZHA
ST.787/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

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REVN. PETITIONER: APPELLANT/ACCUSED

A.N.PRABHAKARAN, S/O.NARAYANAN,
ALIYANKAL VEEDU, RAJAKAD P.O.,
IDUKKI DT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS: RESPONDENT/STATE/COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

2. BASIL JOSEPH, S/O.JOSEPH, AGED 25,
THAVARAKKATTU HOUSE, MALIPPARA P.O.,
KOTHAMANGALAM, MANAGERS, HOME SHINE HIRE
PURCHASE COMPANY, KOTHAMANGALAM KARA,
KOTHAMANGALAM TALUK.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P. NO. 2230 of 2007

Dated this the 7th day of June, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 N.I.Act and sentenced to undergo simple imprisonment for 3 months and to pay a compensation of Rs. 75,000/- to the complainant vide section 357 (3) Cr.P.C and in default to undergo simple imprisonment for 3 months. On a consideration of the concurrent findings of the court below which is supported by proper reasons, I find that no interference is called for.

2. In the circumstances, the conviction is confirmed. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The rest of the sentence is confirmed. The revision petitioner is granted 4 months' time from today onwards to pay the amount of compensation. The revision petitioner shall appear before the JFCM-I, Adimaly on 7-10-2007 to receive the sentence.

NBW pending, if any, is to be kept in abeyance till then.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/